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18 FACEBOOK, INC.

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **SAN JOSE DIVISION**

22 MAXIMILIAN KLEIN, SARAH
23 GRABERT, AND RACHEL BANKS
24 KUPCHO, on behalf of themselves and all
25 those similarly situated,

26 Plaintiffs,

27 v.

28 FACEBOOK, INC.,

Defendant.

Case No. 5:20-cv-08570-LHK

**DECLARATION OF SONAL N. MEHTA IN
SUPPORT OF FACEBOOK'S MOTION TO
DISQUALIFY KELLER LENKNER LLC**

Date: September 30, 2021

Time: 1:30 p.m.

Ctrm: 8

Judge: Hon. Lucy H. Koh

DECLARATION OF SONAL N. MEHTA

I, Sonal N. Mehta, declare as follows:

1. I am a partner at the law firm Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), counsel for Facebook in the above-captioned case. I am a member in good standing of the Bar of the State of California. I submit this declaration in support of Facebook’s Motion to Disqualify Keller Lenkner.
2. Attached hereto as **Exhibit A** is a true and correct copy of an email I received from Warren Postman on March 19, 2021.
3. Attached hereto as **Exhibit B** is a true and correct copy of an email I sent to Warren Postman on March 30, 2021.
4. Attached hereto as **Exhibit C** is a true and correct copy of an email I received from Warren Postman on April 7, 2021.
5. Attached hereto as **Exhibit D** is a true and correct copy of a letter I sent Warren Postman on May 4, 2021.
6. Attached hereto as **Exhibit E** is a true and correct copy of a letter I received from Warren Postman on May 5, 2021.
7. Attached hereto as **Exhibit F** is a true and correct copy of a letter I sent Warren Postman on May 5, 2021.
8. On May 6, 2021, I met and conferred by phone with Travis Lenkner and Ashley Keller about this motion. During the call, my partner, Ari Holtzblatt, asked them what information they had gathered from Mr. Pak about his work for Facebook in assessing whether there would be a conflict. Mr. Lenkner and Mr. Keller refused to provide any details about what information their firm had gathered beyond stating that (1) Mr. Pak had told them “at a high level the types of work” he had performed and had given them a “sense of the timing and extent of the work;” and (2) they learned what they “needed to learn,” which was that Mr. Pak was working on what a fourth or fifth year attorney would normally work on in a matter of this scope, based on their experience as defense counsel in the past. When asked why they would not identify specifically the “types of work” Mr. Pak had told

1 them he worked on for Facebook so that Facebook could assess the thoroughness of their
2 screening procedures, Mr. Lenkner stated that he was declining to provide additional
3 information because in moving to disqualify, “It’s your burden, it’s a very high burden,
4 and I don’t need to help you with that on our call today.”

- 5 9. During the course of negotiations concerning a stipulated protective order in the above-
6 captioned case, the parties have discussed ways to coordinate with the antitrust cases filed
7 in federal district court in Washington, DC by the Federal Trade Commission and State
8 Attorneys General. Further, the private plaintiffs in this case insisted that Facebook
9 produce to private plaintiffs all documents that Facebook had produced to the FTC during
10 the antitrust investigation in question.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 7th day
12 of May 2021 in Los Altos Hills, California.

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15 By: /s/Sonal N. Mehta
 Sonal N. Mehta
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